

REMARKS

The specification has been amended to correct several typographical errors.

On page 26 the chemical structure diagram is amended to correct a chemical formula typographical error. Namely, the episulfide was replaced by the correct structure, the p-thioquinone methide. On page 41 three identical typographical errors are corrected in paragraphs 2, 3 and 4. Namely, the term “Z¹” in each of paragraphs 2, 3 and 4 referring to the chemical formula “Z²-L-D” in the first paragraph is amended to correctly read “Z².” On page 77 the spelling of the term “Michael” is corrected.

In the claims, claim 1 has been amended to incorporate the subject matter of claim 66. Claims 66-67 have been cancelled, without prejudice. Claims 26 and 58 have been amended to correct a typographical error in the word “releasable” and “consisting,” respectively. Applicants wish to thank the Examiner for withdrawing the restriction requirement and Applicants acknowledge that the previously withdrawn process claims, claims 61-63 and method claim 48 are rejoined to the Application. Accordingly, the status markings for claims 48 and 61-63 have been changed from Withdrawn to Original.

Applicants acknowledge that the Examiner has withdrawn the provisional rejection of Applicants' claims 1-3, 47, 49-51, and 57 on the ground of nonstatutory obviousness-type double patenting over Application Serial No. 10/513,372. Applicants also acknowledge that the Examiner has withdrawn the rejection of Applicants' claims 1, 2, 4, 7, 10, 12-13, 17, 27-29, 31, 34, 38-40, 42, 44, 46, 49-52, 57-59, and 64-65 under 35 U.S.C. § 112, paragraph 2, as being indefinite. Applicants further acknowledge that the Examiner has agreed that Applicants' claims 1-2 are novel over Lu et al., in *Cancer Immunology Immunotherapy*, 51(3):153-62 (2002) and that Applicants' claims 1-47, 49-55, 57-60, and 64-65 are not obvious over Summerton et al. in U.S. Patent No. 6,030,941, nor over Chari et al. in U.S. Patent No. 6,596,757.

In the Office Action mailed March 26, 2008, the Examiner has rejected claim 1 under 35 U.S.C. § 112, paragraph 1 and claims 66-67 under 35 U.S.C. § 112, paragraph 2. In addition, the Examiner has objected to claims 2-48 for depending from a rejected base claim.

Rejection under 35 U.S.C. § 112, paragraph 1

The Examiner contends that claim 1 is not enabled by the disclosure because claim 1 purportedly omits matter disclosed to be essential to the invention as described in the

specification, and points to *In re Mayhew* in support of that premise. Briefly, in part, Section 2164.08(c) of the MPEP states:

In determining whether an unclaimed feature is critical, the entire disclosure must be considered. Features which are merely preferred are not to be considered critical. *In re Goffe*, 542 F.2d 564, 567, 191 USPQ 429, 431 (CCPA 1976)

Therefore, an enablement rejection based on the grounds that a disclosed critical limitation is missing from a claim should be made only when the language of the specification makes it clear that the limitation is critical for the invention to function as intended. Broad language in the disclosure, including the abstract, omitting an allegedly critical feature, tends to rebut the argument of criticality. (emphasis added)

Applicants respectfully suggest that the Examiner has misread as essential subject matter an illustrative embodiment described by Applicants on page 18, line 2-12 of the specification as filed. Therefore, Applicants believe that claim 1 is fully enabled by the specification as filed. Nonetheless, in an effort to expedite allowance of the claims and passage of the application to issuance, claim 1 has been amended following the Examiner's suggestion, namely by incorporating the limitation of claim 66 as a proviso in claim 1. Accordingly, Applicants have canceled claims 66-67. Even so, Applicants point out that the proviso added to claim 1 merely represents one of the disclosed embodiments described in the specification as filed. Similarly, the un-amended claim 1 as filed also represents one of the disclosed embodiments described in the specification as filed. Because as discussed above Applicants believe that the Examiner has misapplied *In re Mayhew*, Applicants respectfully assert that the amendment to claim 1 made herein is tangential to patentability.

Applicants respectfully request withdrawal of the Examiner's rejection of claim 1. In addition, as Applicants believe that claim 1, as amended, is allowable, Applicants request that the Examiner withdraw the objection to claims 2-48 for depending from a rejected claim. Finally, because claims 66-67 have been canceled, Applicants request that the rejection of those claims under Section 112, paragraph 2, be withdrawn as rendered moot.

CONCLUSION

The foregoing amendments and remarks are believed to fully respond to the Examiner's rejections pursuant to 37 C.F.R. § 113. Applicants believe that the claims are in condition for allowance and respectfully request that all outstanding rejections are withdrawn and the application is passed to issuance.

Respectfully submitted,

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